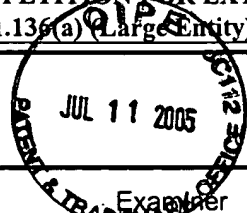


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COMBINED TRANSMITTAL OF APPEAL BRIEF TO THE BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Large Entity)

Docket No. 0025

In Re Application Of: Balmer et al.



Application No. 09/977,170	Filing Date 10/12/2001	Examiner Fischer, Justin R.	Customer No. 00112	Group Art Unit 1733	Confirmation No. 2857
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Invention: JASPE PATTERN FLOORING

COMMISSIONER FOR PATENTS:

This is a combined Transmittal of Appeal Brief to the Board of Patent Appeals and Interferences and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing an Appeal Brief.

Applicant(s) hereby request(s) an extension of time of (check desired time period):

- One month
- Two months
- Three months
- Four months
- Five months

from: 6/11/2005 until: 7/11/2005

The fee for the Appeal Brief and Extension of Time has been calculated as shown below:

Fee for Appeal Brief: \$500.00  
 Fee for Extension of Time: \$120.00

TOTAL FEE FOR APPEAL BRIEF AND EXTENSION OF TIME: \$620.00

The fee for the Appeal Brief and extension of time is to be paid as follows:

- A check in the amount of \$620.00 for the Appeal Brief and extension of time is enclosed.
- Please charge Deposit Account No. in the amount of
- The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 012400
  - Any additional filing fees required under 37 C.F.R. 1.16. 07/12/2005 MAHMED1 00000014 09977170 02 FC:1251 120.00 OP
  - Any patent application processing fees under 37 CFR 1.17.
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- Payment by credit card. Form PTO-2038 is attached.

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**COMBINED TRANSMITTAL OF APPEAL BRIEF TO THE BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Large Entity)**

Docket No.  
0025

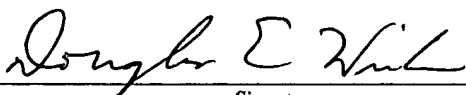
In Re Application Of: **Balmer et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/977,170	10/12/2001	Fischer, Justin R.	00112	1733	2857

Invention: **JASPE PATTERN FLOORING**

TO THE COMMISSIONER FOR PATENTS:

This combined Transmittal of Appeal Brief to the Board of Patent Appeals and Interferences and petition for extension of time under 37 CFR 1.136(a) is respectfully submitted by the undersigned:

  
\_\_\_\_\_  
*Signature*

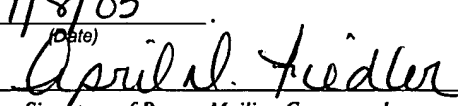
Dated: 7/8/05

Douglas E. Winters  
Reg. No. 29,990

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:	)	
	)	
Balmer et al.	)	Examiner: Fischer, Justin R.
	)	
Serial No.: 09/977,170	)	Art Unit: 1733
	)	
Filed: October 12, 2001	)	Confirmation No.: 2857
	)	
For: JASPE PATTERN FLOORING	)	Docket No.: 0025

**APPEAL BRIEF**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This brief is submitted in triplicate pursuant to 37 CFR 1.192 in support of the Notice of Appeal filed April 11, 2005, in the above-identified application. A one month extension of time to July 11, 2005, is included in the accompanying transmittal letter.

**REAL PARTY IN INTEREST**

The real party in interest in this application is Armstrong World Industries, Inc., the assignee of the present application.

**RELATED APPEALS AND INTERFERENCES**

There are no other appeals or interferences known to Appellants, or Appellants' legal representatives, which will directly affect, or be directly affected by, or have a bearing on the

Board's decision in the pending Appeal.

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### STATUS OF CLAIMS

Claims 1, 2, 4 to 8, 17 to 22, 24 to 27, 29, 40, 42, 44, 46 and 48 to 55 are pending in the application. Claims 4, 5 and 27 would be allowable if submitted in a separate, timely filed amendment. Claims 1, 2, 6 to 8, 17 to 22, 24 to 26, 29, 40, 42, 44, 46 and 48 to 55 are rejected.

### STATUS OF AMENDMENTS

Per a telephone conference with the Examiner on May 10, 2005, the Amendment and Response After Final, filed on April 11, 2005, was entered. Paragraph 7 of the Advisory Action mailed April 26, 2005 (Advisory Action), contains a clerical error. The Examiner indicated that the Advisory Action in the file wrapper had been corrected to check block 7(b). Therefore, the claims are as they appear in the April 26, 2005, amendment.

### SUMMARY OF INVENTION

The invention is a sheet comprising consolidated jaspe agglomerated particles and a method of making the sheet. The jaspe agglomerated particles comprise first and second particles having different visual characteristics. All of the surfaces of the jaspe agglomerated particles are irregular. See the first two paragraphs on page 3 and the carryover paragraph on pages 6 and 7 of the specification and Figures 1 and 2. In one embodiment, the agglomerated particles can be formed from jaspe agglomerated particles. See the carryover paragraph on pages 3 and 4 and first full paragraph on page 4 of the specification.

## ISSUES

Are claims 1, 6, 8, 17 to 20, 22, 24, 25, 40 and 42 properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Lemoine EP 888859 (Lemoine) in view of Egri U.S. Patent No. 3,986,515 (Egri) and Quigley US Patent No. 5,456,748 (Quigley)?

Are claims 2, 7, 21, 26, 29, 44, 46, 54 and 55 properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Lemoine in view of Egri and Quigley, further in view of Hover US Patent No. 4,923,658 (Hover)?

Are claims 48 to 53 properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Lemoine [in view of Egri and Quigley, sic?] and further in view of Weidman GB 2,056,462 (Weidman)?

## GROUPING OF CLAIMS

Claims 1, 17, 24, 40 and 42 are separately patentable. Claims 44 and 46 are separately patentable. The remaining claims stand or fall with the claims from which they depend.

## ARGUMENT

In the Advisory Action mailed from the U. S. Patent and Trademark Office (PTO) on April 26, 2005, the Examiner maintained the rejection of claims 1, 2, 6 to 8, 17 to 22, 24 to 26, 29, 40, 42, 44, 46 and 48 to 55 for the reasons of record. The issues center on the definition of “jaspe agglomerated particles” and “agglomerating”; whether a shredder will convert a sheet into particles in which all of the surfaces are irregular; and whether it is obvious to agglomerate agglomerated particles.

**Section 103 Rejection of Independent Claims 1 and 17 over Lemoine in view of Egri and Quigley**

Independent claims 1 and 17, from which all of the remaining pending claims depend, require the sheet to comprise two pluralities of jaspe agglomerated particles that have different visual appearances (claim 1), or forming the sheet by forming the two pluralities of jaspe agglomerated particles, blending the jaspe agglomerated particles and consolidating the blend (claim 17). The Examiner and Attorney for Applicants disagree whether Lemoine teaches jaspe agglomerated particles. It is the position of Attorney for Applicants that Lemoine teaches multi-colored (jaspe) fused particles which are formed into a sheet, rather than jaspe agglomerated particles which are formed into a sheet.

At the top of page 2 of the Advisory Action, the Examiner states that the term “agglomeration” more broadly refers to the collection of particles to form a larger mass and does not exclude the “single fused mass,” as noted by Applicants. Attorney for Applicants respectfully disagrees.

The ASTM Dictionary of Engineering, Science & Technology, 9<sup>th</sup> Edition, published by ASTM in 2000, at page 13, defines “agglomerate” as “several particles adhering together” (B 243, B09). “Adhere” is defined on page 10 as “to cause two surfaces to be held together by adhesion” (D907, D14) and “adhesion” as “the physical attraction of two substances, especially the macroscopically observable attraction of dissimilar substances” (C904, C03), or “shearing resistance between two unlike materials under zero externally applied pressure” (D653, D18) or “the state in which two surfaces are held together by interphase forces which may consist of chemical forces or interlocking action, or both” (D907, D14). While there are other definitions for “adhesion,” they concern electrodeposits, delamination, tire fabrics, soil, asbestos and ink, which are clearly inapplicable.

The ASTM definitions support Attorney for Applicants' position that the presently claimed particles are clustered by compacting or pressing, which can be easily broken apart, and not fused, i.e. several particles held together by the physical attraction of two substances. The Examiner has failed to support his position that a "single fused mass" falls within the definition of "agglomeration." At page 248, the ASTM dictionary defines "fuse" as "to melt or join by heat" (C1145, C28), "to convert plastic powder or pellets into a homogeneous mass through heat and pressure" (F412, F17), or "to melt; to join together by melting" (F1156, F12). A homogeneous mass is not several particles held together by physical attraction.

Near the top of page 2 of the Advisory Action, the Examiner states:

"Furthermore, the relevant particles are processed through pressure/lamination rolls and it is unclear how such a process results in a "single fused mass" (no description of heating and fusing). It is noted that the agglomerated particles of the claimed invention are formed by compacting or pressing."

At column 4, lines 28 to 36, Lemoine teaches supplying differently colored particles from carts 1, 3, 5 and 7, through a hopper 9 to a "laminoir 11" where a band 13 is formed. "Laminoir" translates as "rolling mill." Those of ordinary skill in the flooring art appreciate that PVC and linoleum floors, as taught by Lemoine, are formed by fusing or laminating heated PVC and linoleum mix in rolling mills. This is supported by the Hover reference, which has been cited by the Examiner.

As stated in Example 1 of Hover, column 9, lines 39 to 42:

"The sintered sheet can thereafter be continuously compacted and embossed in one operating step by way of infrared radiators and an embossing roll unit to form polychrome, compact uniform covering."

And in Examples 8 and 17, column 12, lines 44 and 45, and column 20, 15 and 16:

"'Escorene UL 00728' was preplasticized at 120°C, in a rolling mill, then filler and color mixture were added."

The Examiner, near the middle of page 2 of the Office Action mailed January 21, 2005 (the "latest Office Action"), has taken the position that Lemoine teaches that "a plurality of differently colored particles are mixed and laminated into a consolidated sheet 13 and subsequently shredded to form a plurality of jaspe agglomerated particles (clusters of differently colored particles) that are deposited on conveyor 21." Attorney for Applicants respectfully disagrees.

The colored particles in carts 1, 3, 5 and 7 shown in Figure 1 of Lemoine that form the band or sheet 13 are not agglomerated nor jaspe, as required by the present claims, but are formed directly into the sheet 13. At column 4, lines 28 to 32, Lemoine teaches that the particles have the same chemical nature and the only difference is their color. The jaspe particles 19, which leave the shredder 17 of Lemoine and are formed into the band or sheet 25, are not agglomerated, as suggested by the Examiner, but were fused in the rolling mill 11 before being shredded.

The jaspe sheet 13 is shredded into the jaspe particles, but the particles are not agglomerated, i.e. they are not clustered together, but are a fused, coherent mass. Therefore, while the each particle 19 is jaspe, it is not a cluster of particles, but a single fused mass that has been shredded. An agglomeration is a cluster of distinct particles. Each of the particles 19 of Lemoine is a single particle that has been formed from a plurality of distinct particles which have been fused into a single mass and the mass ripped into particles by the shredder.

The agglomerated particles of the present invention are clustered by compacting or pressing, but are easily broken apart. The particles 19 of Lemoine are fused particles of different colors. The Lemoine particles have much greater structural integrity and mechanical strength. This is demonstrated by the consolidated sheet 13, which will support itself and must be torn



apart in a shredder. The agglomerated mass exiting the pellet press of the present application will fall apart upon obtaining a certain length and mass.

The structure of the Lemoine particles 19 is different than the structure and of the jaspe agglomerated particles set forth in independent claims 1 and 17. Therefore, the present claims are allowable over Lemoine or the combination of Lemoine and Egri or Quigley.

Further, at least some of the particles 19 of Lemoine have a planar surface resulting from the upper and lower surfaces of the sheet 13, which is shredded. See column 4, lines 28 to 30 and 33 to 36, of Lemoine. The Examiner looks to Egri and Quigley to support his position that “one of ordinary skill in the art at the time of the invention would have recognized the ‘shredding’ operation of Lemoine as forming a plurality of particles having irregular surfaces.” (Carryover sentence on pages 2 and 3 of the latest Office Action.)

However, the cited references support the position of Attorney for Applicants that shredding forms irregular contours where the sheet is separated, but does not convert the planar surfaces of the sheet into irregular surfaces. See Egri, column 6, lines 50 to 54, where he states

“The squeezing ridges abut lightly on the work leg 4a and push the foil-shaped tobacco mass apart such that flakes or leaves of irregular contours remain adhering to the belt 4.”

(Emphasis supplied.) Since the tobacco leaves remain adhered to the belt during the shredding operation, the irregular contours form the edges of the shredded flake that are perpendicular to the belt and the substantially planar surfaces adjacent and opposite the belt remain substantially unaffected. The plastic sheet of Lemoine is more structurally sound than the fragile tobacco leaves. Therefore, since the major planar surfaces of the tobacco leaves survive the shredding operation, the planar surfaces of the Lemoine plastic sheet will also survive.

At column 7, lines 18 to 21, Egri states “The resultant flakes or leaves 12 have an irregular peripheral shape with a wavy edge and are spacially distorted and warped.” Again, it is

the peripheral edges that are serrated. Warping does not change the substantially planar surface into an irregular one. It merely twists or bends the surface out of the plane, retaining its substantially smooth surface.

Quigley, at column 4, lines 15 to 30, states

“The multi-layered first and second webs 9 and 12 of cellulosic material are fed into the inlet of the shredding device 4 where the webs are cut or comminuted into irregular flakes or particles of pulp material. The shredding device 4 is provided with rotating cutter knives 20 which are designed to cut or tear the cellulosic web material with minimum compression of the cut edges of the web material. .... The rotating knives 20 of the shredding device 4 rotate at approximately 140 rpm and cut the cellulosic material into irregular shapes or flakes up to about 1 to 10 cm<sup>2</sup>.”

Again, the irregular flakes that are formed retain their substantially planar surfaces. The rotating knives of the shredder do not convert the substantially planar opposed surfaces of the sheet into irregular surfaces.

Near the middle of the Advisory Action, the Examiner states

“each of said surfaces of Lemoine would be irregular since the band is fed to the shredding device via a gravity deposition process – the surface of the band that initially contacts the belt or conveyor 15 would be irregular since the shredding does not occur with said surface contacting the belt or conveyor.”

It is not seen how feeding the consolidated sheet 13 of Lemoine into shredder 17 by a gravity deposition process results in all of the surfaces of the jaspe particle being irregular, as required by independent claims 1 and 17. A shredder has rotating cutter knives (Quigley) or a shredding roller with dull squeezing ridges (Egri). These break up the sheet, but do not completely mangle the planar surfaces.

The Examiner was requested to explain where in the cited art there is a teaching or suggestion of the regular (substantially planar) surfaces of the flake or sheet being converted into an irregular surface, or if the rejection is based on facts within his personal knowledge, to support his position in the form of an affidavit, in accordance with MPEP section 707. His only

response was at the middle of page 2 of the Advisory Action, where he states that the surfaces would be irregular because of the gravity deposition process. More is necessary to explain how a gravity deposition process of a sheet into a shredder converts all of the planar surfaces into irregular surfaces.

Again, Lemoine, Egri and Quigley do not teach or suggest jaspe agglomerated particles wherein all of the surfaces are irregular. Since all of the present claims require this feature, they are allowable over the combination of Lemoine and Egri or Quigley for this reason as well.

#### Claim 24

Claim 24 requires the jaspe agglomerated particles to be ground. Below the middle of page 2 of the latest Office Action, the Examiner states that

“a plurality of differently colored particles are mixed and laminated into a consolidated sheet 13 and subsequently shredded to form a plurality of jaspe agglomerated particles (clusters of differently colored particles) that are deposited onto conveyor 21.”

Then at the middle of page 4 of the latest Office Action, he states that

“the agglomerated particles are ground or shredded as indicated by reference character 19.”

Claim 24 requires two different operations; forming the jaspe agglomerated particles and grinding the particles. The shredder 19 of Lemoine cannot both form and grind the particles. Therefore, claim 24 is allowable over Lemoine for this reason as well.

#### Claims 40 and 42

With regard to claims 40 and 42, the Examiner takes the position that slight marbling or clouding constitutes a labyrinthine and that “applicant acknowledge in the amendment dated October 3, 2003 (Page 13) that such an arrangement is inherent. It is emphasized that the

surfaces of the agglomerated particles are irregular and thus, the labyrinth interface is inherent.”  
(Below the middle of page 4 of the latest Office Action.)

Claims 40 and 42 require all of the interfaces to labyrinthine. Attorney for Applicants acknowledges that such an arrangement is inherent only if the all of the surfaces are irregular. As discussed above, shredding a fused sheet yields particles that have some smooth surfaces. Therefore, claims 40 and 42 are not obvious over Lemoine in combination with Egri or Quigley.

**Section 103 Rejection of Claims 44 and 46 over Lemoine in view of Egri and Quigley, further in view of Hover**

Claims 44 and 46 require the jaspe agglomerated particles to be formed from agglomerated particles. There is no teaching or suggestion in Lemoine of such a requirement, unless one substitutes the colored particles in carts 1, 3, 5 and 7 of Lemoine with jaspe agglomerated particles.

At the top of page 6 of the latest Office Action, the Examiner takes the position that “Lemoine describes the mixing of differently colored particles to form agglomerated particles” and that “it is well known in the floor covering industry that the particles can actually be agglomerated that are further processed or mixed, as shown for example by Hover.”

Mixing of particles in carts 1, 3, 5 and 7 does not yield agglomerated particles and mixing of agglomerated particles does not yield an agglomeration of agglomerated particles. It takes some compaction or pressure to agglomerate the particles. Absent some teaching or suggestion in the prior art that further processing of the agglomerated particles is an agglomeration step, the rejection of claims 44 and 46 is improper.

The fact that “Lemoine does not exclude the materials being in agglomerate form” (middle of page 6 of the latest Office Action) is not sufficient. There must be some teaching or

suggestion in the prior art of agglomerating agglomerated particles. See Tec Air, Inc. v. Denso Mfg. Michigan Inc., 192 F.3d 1353, 1359-60 (Fed.Cir.1999).

“To establish a *prima facie* case of obviousness, Denso must show "some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references." *Fine*, 837 F.2d at 1074, 5 USPQ2d at 1598.”

(Italics in original.) In the Amendment After Final and Response, filed April 11, 2005, Attorney for Applicants requested the Examiner to point out wherein the prior art there is a teaching of agglomerating agglomerated particles, as required by present claims 44 and 46. At the bottom of page 2 and top of page 3 of the Advisory Action, the Examiner responded:

“with respect to the initial particles being agglomerates, the mixing of agglomerates 1, 3, 5, and 7 in Lemoine and the subsequent shredding/grinding would result in the formation of agglomerates of agglomerated particles in an analogous manner to the formation of agglomerated particles noted above (in view of broader scope of the term ‘agglomeration’). As to the use of agglomerated particles as starting materials, Hover was previously cited to evidence the known use of particles in such an arrangement. Absent any conclusive showing of unexpected results, one of ordinary skill in the art at the time of the invention would have found it obvious to form the starting materials of Lemoine as agglomerates.”

Attorney for Applicants renews he request. Where in Hover is there a teaching of agglomerating agglomerated particles, and particularly agglomerating differently colored jaspe agglomerated particles? While Hover suggests using agglomerated particles as starting materials, there is no teaching or suggestion of agglomerating agglomerated particles, particularly jaspe agglomerated particles. Unless the Examiner can point to some suggestion in the prior art of agglomerating agglomerated particles, the burden of showing unexpected results does not shift to the Applicants.

#### CONCLUSION

Claims 1, 6, 8, 17 to 20, 22, 24, 25, 40 and 42 are not obvious over Lemoine in view of Egri and Quigley. Claims 2, 7, 21, 26, 29, 44, 46, 54 and 55 are not obvious over Lemoine in

view of Egri and Quigley, further in view of Hover. Claims 48 to 53 are dependent on allowable claims and therefore are allowable. Accordingly, all of the pending claims should be found allowable. Reversal of the rejections and allowance of the application is respectfully requested.

Respectfully submitted,

7/8/05  
Date

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April M. Fiedler

## APPENDIX

### Pending Claims

1. A sheet comprising a consolidated layer formed from a blend, the blend comprising a first plurality of jaspe agglomerated particles, wherein the jaspe agglomerated particles of the first plurality of jaspe agglomerated particles comprise a first particle from a first plurality of particles having a first visual characteristic and a second particle from a second plurality of particles having a second visual characteristic different than the visual characteristic of the first particle and wherein all of the surfaces of the jaspe agglomerated particles are irregular.

2. The sheet of claim 1, wherein the first plurality of particles having a first visual characteristic has an amount of filler level different from the amount of filler level of the second plurality of particles having a second visual characteristic.

4. A sheet comprising a consolidated layer formed from a blend, the blend comprising a first plurality of jaspe agglomerated particles, wherein the jaspe agglomerated particles of the first plurality of jaspe agglomerated particles comprise a first particle from a first plurality of particles having a first visual characteristic and a second particle from a second plurality of particles having a second visual characteristic different than the visual characteristic of the first particle, wherein the first plurality of particles having a first visual characteristic includes a first thermoplastic material and the second plurality of particles having a second visual characteristic includes a second thermoplastic material different than the first thermoplastic material, and wherein all of the surfaces of the jaspe agglomerated particles are irregular.

5. (A sheet comprising a consolidated layer formed from a blend, the blend comprising a first plurality of jaspe agglomerated particles, wherein the jaspe agglomerated particles of the first plurality of jaspe agglomerated particles comprise a first particle from a first plurality of particles having a first visual characteristic and a second particle from a second plurality of particles having a second visual characteristic different than the visual characteristic of the first particle, wherein the first plurality of particles having a first visual characteristic includes a first material comprising a polymer having a first average molecular weight and the second plurality of particles having a second visual characteristic includes a second material comprising a polymer having a second average molecular weight and wherein all of the surfaces of the jaspe agglomerated particles are irregular.

6. The sheet of claim 1, wherein the first plurality of particles having a first visual characteristic includes a first material and the second plurality of particles having a second visual characteristic includes a second material different than the first material.

7. The sheet of claim 1, wherein the particles of the first plurality of particles having a first visual characteristic are transparent or translucent.

8. The sheet of claim 1, wherein the blend further comprises a second plurality of jaspe agglomerated particles, the second plurality of jaspe agglomerated particles having a visual characteristic different than the visual characteristic of the first plurality of jaspe agglomerated particles, wherein the jaspe agglomerated particles of the second plurality of jaspe agglomerated particles comprise a third particle from a third plurality of particles having a third visual characteristic and a fourth particle from a fourth plurality of particles having a fourth visual



characteristic different than the visual characteristic of the first, second and third particles, and wherein all of the surfaces of the jaspe agglomerated particles of the second plurality are irregular.

17. A method of forming a sheet comprising:

forming a first plurality of jaspe agglomerated particles wherein all of the surfaces of the jaspe agglomerated particles are irregular by agglomerating a first plurality of particles having a first visual characteristic and a second plurality of particles having a second visual characteristic different than the visual characteristic of the first plurality of particles;

forming a blend comprising the first plurality of jaspe agglomerated particles; and consolidating the blend to form a layer having a jaspe visual appearance.

18. The method of claim 17, wherein the first plurality of particles and the second plurality of particles comprise a thermoplastic polymeric material.

19. The method of claim 17, wherein the blend is consolidated to form a layer by pressing in a roll press, a flat bed press or belted press.

20. The method of claim 19, wherein the roll press is a calender.

21. The method of claim 19, wherein the belted press is a double belted press.

22. The method of claim 17, wherein the first plurality of jaspe agglomerated particles is formed, a second plurality of jaspe agglomerated particles is formed, and then the first plurality

of jasper agglomerated particles is mixed to form the blend, the jasper agglomerated particles of the second plurality of jasper agglomerated particles having a visual characteristic different than the visual characteristic of the jasper agglomerated particles of the first plurality of jasper agglomerated particles, wherein the jasper agglomerated particles of the second plurality of jasper agglomerated particles comprise a third particle from a third plurality of particles having a third visual characteristic and a fourth particle from a fourth plurality of particles having a fourth visual characteristic different than the visual characteristic of the first, second and third particles, and wherein all of the surfaces of the jasper agglomerated particles of the second plurality are irregular.

24. The method of claim 17, further comprising grinding the jasper agglomerated particles.

25. The method of claim 17, wherein the visually different characteristics include the first plurality of particles having a first color and the second plurality of particles having a second color.

26. The method of claim 17, wherein the visually different characteristics include the first plurality of particles having a first shade of a color and the second plurality of particles having a second shade of the color.

27. A method of forming a sheet comprising forming a first plurality of jasper agglomerated particles wherein all of the surfaces of the jasper agglomerated particles are irregular by agglomerating a first plurality of particles having a

first visual characteristic comprising a first polymeric material having a first number average molecular weight and a second plurality of particles having a second visual characteristic different than the visual characteristic of the first plurality of particles comprising a second polymeric material having a second number average molecular weight,

forming a blend comprising the first plurality of jaspe agglomerated particles, and consolidating the blend to form a layer having a jaspe visual appearance.

29. The method of claim 17, wherein the particles of the first plurality of particles having a first visual characteristic are transparent or translucent.

40. The sheet of claim 1, wherein all of the interfaces between jaspe agglomerated particles are labyrinthine.

42. The method of claim 17, wherein the particles forming the first plurality of jaspe agglomerated particles melt and flow to form a labyrinthine interface between all of the jaspe agglomerated particles during the consolidating step.

44. The sheet of claim 1, wherein the first particle and the second particle are agglomerated particles.

46. The method of claim 17, wherein the first plurality of particles having a first visual characteristic and the second plurality of particles having a second visual characteristic are agglomerated particles.

48. The sheet of claim 1, wherein the first particle and the second particle are dry blend particles.

49. The sheet of claim 8, wherein the particles comprising second plurality of jaspe agglomerated particles are dry blend particles.

50. The sheet of claim 49, wherein the first particle and the second particle of the first plurality of jaspe agglomerated particles are dry blend particles.

51. The method of claim 17, wherein the first plurality of particles and the second plurality of particles are dry blend particles.

52. The method of claim 22, wherein the particles comprising the second plurality of jaspe agglomerated particles are dry blend particles.

53. The method of claim 52, wherein the first plurality of particles and the second plurality of particles of the first plurality of jaspe agglomerated particles are dry blend particles.

54. The method of claim 17, wherein the first plurality of particles having a first visual characteristic has an amount of filler level different from the amount of filler level of the second plurality of particles having a second visual characteristic.

55. The sheet of claim 1, wherein the visually different characteristics include the first plurality of particles having a first shade of a color and the second plurality of particles having a second shade of the color.